

THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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COTT CORPORATION and	)	
CLIFFSTAR, LLC,	)	
	)	
Plaintiffs,	)	Case No. 11-cv-0552
	)	
- against -	)	<b>JURY TRIAL DEMANDED</b>
	)	
DECAS BOTANICAL SYNERGIES, LLC,	)	
	)	
Defendant.	)	
-----X		

**JOINT RULE 26(f) DISCOVERY REPORT**  
**AND PROPOSED DISCOVERY PLAN**

Pursuant to Fed. R. Civ. P. 26(f), Plaintiffs Cott Corporation and Cliffstar, LLC ("Plaintiffs") and Defendant Decas Botanical Synergies, LLC ("Defendant") submit this report in advance of their Rule 26(f) conference to be held on May 16, 2012.

**I. Initial Disclosures**

The parties agree that disclosures required under Rule 26(a)(1) will take place on or before **Wednesday, June 6, 2012**.

**II. Discovery Plan and Motion Deadlines**

Discovery is needed in this case regarding the alleged infringing products, the invalidity and unenforceability of the Patents-in-Suit.

The parties propose that discovery be **bifurcated** between factual and expert.

The parties propose that the expert disclosures (on issues for which the parties have the burden of proof) be made by **January 25, 2013**; and the parties' rebuttal reports be disclosed by **February 22, 2013**.

The parties propose that the parties complete expert witness depositions by **March 22, 2013**.

The parties propose that the cut-off date for fact discovery be **December 10, 2012; April 1, 2013** for expert discovery.

The parties propose that dispositive motions be made by **April 29, 2013**.

The parties propose no changes in the limitations on discovery under the Federal Rules or Rules of this Court.

### **III. SERVICE BY ELECTRONIC MEANS**

The parties consent to be service by electronic including service of all documents by facsimile or by PDF attachments to emails.

### **IV. Electronic Discovery**

The parties believes that issues relating to electronic discovery should be addressed have some preliminary discovery in the case is concluded.

Dated: Buffalo, New York  
May 14, 2012

Respectfully submitted,

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